

Article 5: Subdivision Procedures

Division 4: Tentative Maps

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0401 Purpose of Tentative Map Procedures

The purpose of these procedures is to provide the process for approving *tentative maps* and the associated design and improvement of proposed *subdivisions* and to implement the provisions of the *Subdivision Map Act* to provide for the orderly division of land.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0410 When a Tentative Map Is Required

A *tentative map* is required for each *subdivision* of land except for a *parcel map* that creates no additional *lots*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0420 How to Apply for a Tentative Map

An *applicant* shall apply for a *tentative map* in accordance with Section 112.0102.

The content and form for *tentative maps* and the associated data submitted shall be as specified by the Land Development Manual and the *Subdivision Map Act*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0430 Decision Process for a Tentative Map

An application for a *tentative map* may be approved, conditionally approved, or denied in accordance with Process Three for Tentative *Parcel Maps* and Process Four for Tentative Final Maps except for those *tentative maps* that include proposals for the vacation of *public rights-of-way* or the abandonment of *public service easements*, which shall be made in accordance with Process Five.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0431 Additional Notice for a Condominium Conversion Map

For a *tentative map* converting residential property into a condominium project, a community apartment project, or a stock cooperative project, the following notice shall be provided in addition to the notice required in Chapter 11, Article 2, Division 3 (Notice):

- (a) Each tenant of, and each person applying for the rental of, a unit of the proposed project shall receive all notices required in Chapter 11, Article 2, Division 3 (Notice);
 - (b) Each tenant of the proposed project shall be given the notices required in the *Subdivision Map Act*, Section 66427.1; and
 - (c) The notices required in Sections 125.0431(a) and (b) shall include a statement advising the tenants that should the condominium project be approved, tenants may be required to vacate the *premises*.
- (Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0440 Findings for a Tentative Map

A *tentative map* may be approved or conditionally approved only if the decision maker makes the following *findings* in accordance with the *Subdivision Map Act* and the Land Development Code:

- (a) The proposed *subdivision* and its design or improvement are consistent with the policies, goals, and objectives of the applicable *land use plan*;
- (b) The proposed *subdivision* complies with the applicable zoning and development regulations of the Land Development Code;
- (c) The site is physically suitable for the type and *density of development*;
- (d) The design of the *subdivision* or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- (e) The design of the *subdivision* or the type of improvement will not be detrimental to the public health, safety, and welfare;
- (f) The design of the *subdivision* or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed *subdivision*;
- (g) The design of the proposed *subdivision* provides, to the extent feasible, for future passive or natural heating and cooling opportunities; and

- (h) The decision maker has considered the effects of the proposed *subdivision* on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0441 Finding of Environmental Mitigation Infeasible

If the decision maker does not make the *finding* in Section 125.0440(d), the *tentative map* may still be approved as allowed in the *Subdivision Map Act*, Section 66474.01, if an environmental impact report was prepared for the project and a *finding* was made pursuant to California Public Resources Code Section 21081(a)(3) that specific economic, social, or other considerations make the mitigation measures or project alternatives identified in the environmental impact report infeasible.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0442 Exception Findings for Tentative Maps in the Planned Urbanizing Area

The decision maker may approve a *tentative map* for property in the planned urbanizing area, as defined in the Progress Guide and General Plan, if the property is not within the boundaries of a community plan, specific plan, or precise plan adopted by the Planning Commission and City Council or otherwise does not meet the requirements of Section 123.0104, only if the decision maker makes the following *findings*, in addition to those required in Section 125.0440:

- (a) The granting of *tentative map* approval on the subject property or the proposed timing and phasing of the *development* of the property will not jeopardize the achievement of the Progress Guide and General Plan objectives of assuring adequate public facilities at the time of *development*; and
- (b) The requirements of Section 144.0206 have been fulfilled.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0444 Findings for Tentative Maps for Condominium Conversion

The decision maker may approve a *tentative map* for the purposes of the conversion of residential property into a condominium project, a community apartment project, or a stock cooperative project, in accordance with the *Subdivision Map Act*, Section 66427.1, if the decision maker makes the following *findings*, in addition to those required in Section 125.0440:

- (a) The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or *low income* housing; and

- (b) For any project that was developed to provide housing for the elderly, disabled or to provide *low income* housing, provisions have been made to perpetuate the use for which the project was developed.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0450 Filing of Tentative Map Resolutions

After approval of a *tentative map*, the resolution shall be filed with the City Clerk and a copy shall be mailed to the *applicant*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0460 Expiration of a Tentative Map

An approved or conditionally approved *tentative map* expires 36 months after its approval or conditional approval. After expiration of an approved or conditionally approved *tentative map*, a final map or *parcel map* shall not be filed without the approval of a new *tentative map*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0461 Extension of Time for a Tentative Map

The expiration date of a *tentative map* may be extended as follows:

- (a) The expiration date of a *tentative map* may be extended one or more times if the extensions do not exceed a total of 60 months in accordance with the *Subdivision Map Act*.
- (1) Request for Extension. An application for Extension of Time for a *tentative map* shall be filed before the expiration date of the *tentative map*, but not more than 60 calendar days before the expiration date, in accordance with Section 112.0102. When an application for Extension of Time is filed, the *tentative map* shall be automatically extended for a period of 60 calendar days from the expiration date or until a decision on the Extension of Time has been made, whichever occurs last.
- (2) Decision Process. An application for Extension of Time for a *tentative map* shall be approved, conditionally approved, or denied in accordance with Process Three for tentative *parcel maps* or with Process Four for tentative final maps.

- (3) *Findings.* The decision maker may conditionally approve or deny a request for extension of time if the decision maker makes one of the following *findings*:
 - (A) The failure to conditionally approve or deny the request would place the residents of the *subdivision* or the immediate community in a condition dangerous to their health or safety; or
 - (B) The condition or denial is required to comply with state or federal law.
- (b) Extensions of Time for filing multiple maps in accordance with the *Subdivision Map Act* may be approved or denied by the City Engineer in accordance with Process One.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0470 Minor Modifications to a Tentative Map

Except as otherwise provided, a revision to a previously approved *tentative map* that is in *substantial conformance* with that *tentative map* shall be considered a minor modification. The City Engineer shall decide whether the revision is in *substantial conformance* with the previously approved *tentative map* in accordance with Process One.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0471 Amendments to a Tentative Map

Except as otherwise provided, any revision to an approved *tentative map* that is not in *substantial conformance* with the approved *tentative map* requires an amendment to the *tentative map*, as follows:

- (a) Request for Amendment. An application for an amendment to a *tentative map* shall be filed in accordance with Section 112.0102; and
- (b) Decision Process. The decision on an application for an amendment shall be made in the same manner as the original *tentative map*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

